

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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Source Search Technologies, LLC,	:	
	:	
Plaintiff,	:	Civil Action No. 2:04-CV-4420 (DRD)
	:	
v.	:	
	:	
LendingTree, LLC, Service Magic Inc. and	:	
IAC InterActiveCorp,	:	
	:	
Defendants.	:	
-----X	:	

STIPULATED CONSENT ORDER

Whereas, Defendants have filed a motion for summary judgment seeking a ruling that Defendants have not engaged in willful infringement of the patent in suit (the “Willfulness Motion”);

Whereas, on January 4, 2008, Plaintiff filed a response to the Willfulness Motion, with an accompanying declaration with exhibits;

Whereas, on January 7, 2008, Plaintiff filed a corrected version of its brief in response to the Willfulness Motion,

Whereas, Defendants then asserted that certain portions of Plaintiff’s January 4 and January 7 filings relating to the Willfulness Motion include subject matter that was part of confidential mediation proceedings involving the parties to this action (the “mediation”) and therefore should not have been included in any Court filing (the “disputed materials”);

Whereas, Plaintiff disagrees that any subject matter included in its January 4 and January 7 filings was improper;

Whereas, Plaintiff filed a letter to the Court on January 8, 2008 referring to the disputed materials and asking the Court to seal its January 4 and January 7 briefs until the matter could be resolved;

Whereas, the parties desire to avoid further disputes and motion practice concerning the disputed materials;

THEREFORE, it is hereby agreed among all parties as follows:

1 Plaintiff's filings related to the Willfulness Motion at docket numbers 212, 214, and 216 shall be stricken in their entirety, and no copies of those filings shall be maintained in the Court's records;

2 Plaintiff's prior response to the Willfulness Motion shall be replaced with the brief, Rule 56 response, and declaration attached hereto, which the parties agree is substantively identical to the prior corrected brief, Rule 56 response, and declaration, but for the removal of the disputed materials;

3 The briefing schedule and argument date for the Willfulness Motion shall remain as scheduled previously;

4 The matter of the disputed materials is deemed fully resolved by this stipulated Order to the satisfaction of all parties;

5 Pursuant to this Order, all parties shall abide by the confidentiality requirements pertaining to the mediation and the limitations imposed by Rule 408 of the Federal Rules of Evidence;

6 It is the intent of the parties that the legal positions of the parties shall be the same as if the version of Plaintiff's response to the Willfulness Motion attached hereto had been filed on January 4, 2008;

7 Nothing herein shall be deemed an admission on the part of any party of any wrongdoing, and nothing herein shall be deemed an admission by any party on the merits of the Willfulness Motion.

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Attorneys for LendingTree, LLC,
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SO ORDERED this 17th day of January, 2008.

Dickinson R. Debevoise
The Honorable Dickinson R. Debevoise